

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**
CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327
CHIEF JUDGE JOHNSTON

THIS DOCUMENT RELATES TO CASES
IDENTIFIED ON EXHIBIT A

**TRANSFER ORDER
FOR CASES ON EXHIBIT A**

The individual cases on Exhibit A were directly filed in the United States District Court for the Southern District of West Virginia and are related to MDL 2327 (“Ethicon MDL”), 2:12-md-2327, one of seven MDLs assigned to Judge Joseph R. Goodwin by the Judicial Panel on Multidistrict Litigation (“JPML”). The seven MDLs combined totaled over 100,000 cases since inception.

During the pendency of this MDL litigation, Judge Goodwin developed a conflict in certain cases assigned to him, including those on Exhibit A. As a result, the JPML reassigned the cases on Exhibit A to me. Of the approximately 183 cases assigned to me, 39 remain. Of the remaining 39 cases, 18 are listed on Exhibit A and are ready to be transferred to the appropriate jurisdiction. In particular, the time to conduct discovery is complete in the cases on Exhibit A, and the parties have had time to file dispositive and *Daubert* motions, responses and replies. For the convenience of the parties and in order to promote the final resolution of these cases, it appears to the Court that the cases would be more expeditiously concluded in the venues from which they arise. The parties have indicated collectively to the Court or the Court has determined that proper venue resides in

the United States District Courts identified in Exhibit A. ***Upon transfer, I urge the receiving court to immediately set these cases for trial without reopening discovery.***

Accordingly, pursuant to 28 U.S.C. § 1404(a), it is **ORDERED** that on **November 13, 2019** (14 days after the date of entry of the order) (hereinafter the “Transfer Date”) the cases identified on Exhibit A that are *still pending* shall be transferred to the United States District Courts identified on Exhibit A. On or before **November 12, 2019** (13 days after the date of entry of the order), the parties are **ORDERED** to confer and to file in each individual member case identified in Exhibit A, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (*i.e.* ECF 96 – Joint Stipulation of Experts). All cases on Exhibit A that are pending on the Transfer Date shall be transferred, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are advised that all Pretrial Orders entered in this matter are available for review on the Court’s website at www.wvsd.uscourts.gov/MDL/2327/orders.html and the master docket sheet can be found on this Court’s CM/ECF at 2:12-md-2327. *Finally, the Court advises the parties that while the docket of the individual case will transfer to the receiving court, it is the parties’ responsibility to follow the receiving court’s procedure for identifying any individual motions that remain pending and in need of ruling.*

On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract each member case listed on Exhibit A that remains pending and transfer each member case to the corresponding United States District Court listed on Exhibit A. After transfer of each member case listed in Exhibit A that is not dismissed prior to the Transfer Date, the Clerk is **DIRECTED** to formally close the case and strike it from the docket of this court.

IT IS SO ORDERED.

The court further **DIRECTS** that a copy of this Order and Exhibit A be filed in every case listed on Exhibit A and sent to counsel of record or any unrepresented party for the cases listed on Exhibit A.

ENTER: October 30, 2019



THOMAS E. JOHNSTON, CHIEF JUDGE

EXHIBIT A

	Civil Action No.	Case Style	Transfer Court
1	2:12-cv-07933	Levey v. Ethicon, Inc. et al	Illinois, Northern District
2	2:14-cv-27487	DeBeneditto v. Ethicon, Inc. et al	Indiana, Northern District
3	2:13-cv-00286	Rihm et al v. Ethicon, Inc. et al	Indiana, Southern District
4	2:13-cv-00495	Block et al v. Ethicon, Inc. et al	Indiana, Southern District
5	2:12-cv-01712	Suter et al v. Johnson & Johnson et al	Kentucky, Eastern District
6	2:12-cv-02076	Daugherty et al v. Ethicon, Inc. et al	Kentucky, Eastern District
7	2:13-cv-01206	Owens v. Ethicon, Inc. et al	Kentucky, Eastern District
8	2:16-cv-10988	Corder et al v. Ethicon, Inc. et al	Kentucky, Eastern District
9	2:17-cv-00602	Jones v. Ethicon, Inc. et al	Kentucky, Eastern District
10	2:17-cv-03712	Jones et al v. Ethicon, Inc. et al	Kentucky, Eastern District
11	2:12-cv-06438	Wells et al v. Ethicon, Inc. et al	Kentucky, Western District
12	2:12-cv-08140	Terry et al v. Ethicon, Inc. et al	Kentucky, Western District
13	2:14-cv-09839	Seay et al v. C. R. Bard, Inc. et al	Kentucky, Western District
14	2:14-cv-25732	Gibson v. Ethicon, Inc. et al	Kentucky, Western District
15	2:16-cv-11677	Hehl v. Ethicon, Inc. et al	Kentucky, Western District
16	2:13-cv-06702	Bryan v. Ethicon, Inc. et al	Missouri, Eastern District
17	2:15-cv-15975	Halsey v. Ethicon, Inc. et al	Missouri, Western District
18	2:12-cv-09047	Sylvester et al v. Ethicon, Inc. et al	Ohio, Northern District